

**ERIE COUNTY LEGISLATURE
MEETING NO. 12
JUNE 22, 2006**

The Legislature was called to order by Chairman Marinelli.

All members present except Legislator Weinstein.

An Invocation was held by Pastor Gary Beers of the Eastern Hill Wesleyan Church.

The Pledge of Allegiance was led by Legislator Reynolds.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meetings.

Item 3 – No Minutes of Previous Meeting.

Item 4 – CHAIRMAN MARINELLI directed that the meeting enter into recess at 2:16 p.m.

Public Hearing opened for Proposed Appropriation from Road Reserve Fund

Being that no one spoke in favor of or in opposition to the issue, the Clerk declared the Public Hearing closed at 2:19 p.m.

CHAIRMAN MARINELLI directed that the Meeting be reconvened at 2:20 p.m.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. HOLT presented a resolution In Memory of Jack Crumpton.

Item 6 – The MAJORITY CAUCUS presented a resolution Honoring Ken Dyer Upon His Retirement After 35 Years of Service as Watch Attendant for the Erie County Courthouse.

Item 7 – MS. MARINELLI presented a resolution Honoring Members of the Erie County Charter Revision Commission for Their Hardwork and Dedication.

Item 8 – MS. MARINELLI presented a resolution Honoring the 60th Anniversary of Alexander & Florence Antkowiak June 29, 2006.

Item 9 – MS. MARINELLI presented a resolution Recognizing the 90th Birthday of Clinton Johnson on June 29, 2006.

Item 10 – MS. KONST presented a resolution Honoring Earl's Restaurant for Celebrating Their 50th Anniversary.

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Item 11 – MR. KENNEDY presented a resolution Honoring SUNY-Buffalo Institution for Non-Profits.

MS. WHYTE moved for consideration of the above seven items. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the the above seven items by including Et Al Sponsorship and adding one from Legislator Mills.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above seven items. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 12 - CHAIRMAN MARINELLI directed that Local Law No. 7 (Print #1) 2005 remain on the table.

GRANTED.

Item 13 – CHAIRMAN MARINELLI directed that Local Law No. 12 (Print #1) 2005 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 14 - CHAIRMAN MARINELLI directed that Local Law No. 4 (Print #1) 2006 remain on the table.

GRANTED.

Item 15 - CHAIRMAN MARINELLI directed that Local Law No. 5 (Print #1) 2006 remain on the table.

GRANTED.

COMMITTEE REPORTS

Item 16 – MS. LOCKLEAR presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 174

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JUNE 13, 2006

HEALTH COMMITTEE
 REPORT NO. 9

ALL MEMBERS PRESENT EXCEPT LEGISLATOR WHYTE.

1. COMM. 11E-4 (2006)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has been awarded a revised grant award in the amount of \$320,227 from the New York State Department of Health to enroll persons without insurance into the Child and Family Health Plus insurance programs, and

WHEREAS, this revised grant award authorizes a personnel adjustment, and

WHEREAS, the New York State Department of Health has approved the creation of one Regular Part-Time position of Clerk Typist, JG 1, Step 0.

NOW, THEREFORE, BE IT

RESOLVED, that one Regular Part-Time position of Clerk Typist, JG 1, Step 0, is hereby created on B100 control # 2014, in the Facilitated Enrollment Grant, SAP Title 127FACENROLL2006.

The following personnel detail is hereby submitted:

| | |
|-------------------------------|----------------------|
| TITLE: Clerk Typist RPT | HOURLY RATE: \$10.94 |
| JG: I | FRINGE BENEFIT: 40% |
| STEP: 0 | COUNTY SHARE: 0% |
| NUMBER OF HOURS WORKED: 20/WK | |
| MANNER FILLED: Civil Service | |

and be it further

RESOLVED, that sufficient funds are available in the revised grant award from the New York State Health Department, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

(3-0)

2. COMM. 11E-5 (2006)
COUNTY EXECUTIVE

WHEREAS, New York State requires that the Medical Examiner's Toxicology Laboratory maintain forensic laboratory accreditation, and

WHEREAS, Federal funds have been appropriated through the State's Division of Criminal Justice Services, and

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WHEREAS, the Medical Examiner's Division has received a grant in the amount of \$19,753 from the Division of Criminal Justice Services National Forensic Sciences Improvement Act for the purchase of lab and technical equipment and medical supplies including a sample rotor extractor, centrifuge and sample extraction system.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services to accept the grant budgeted as follows:

Department of Health
 Criminal Justice Services National Forensic Improvement Act
 10/1/05 – 9/30/06
 SAP Title: 127NAFR0506

| SAP | REVENUE | AMOUNT |
|------------|--------------------|------------------------|
| 409000 | State Aid Revenues | <u>\$19,753</u> |
| | TOTAL | <u>\$19,753</u> |

| EXPENSES | | |
|-----------------|---------------------------|------------------------|
| 561410 | Lab & Technical Equipment | \$15,653 |
| 561450 | Library Books | 600 |
| 505800 | Medical Supplies | <u>3,500</u> |
| | TOTAL | <u>\$19,753</u> |

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Law.

(3-0)

CYNTHIA E. LOCKLEAR
CHAIRMAN

Item 17 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 175

JUNE 14, 2006

ENERGY & ENVIRONMENT COMMITTEE
 REPORT NO. 11

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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed.
 - a. INTRO 5-14 (2006)
LOUGHRAN: Section 239 Review Fee
 (4-0)
 - b. COMM. 7E-40 (2006)
COUNTY EXECUTIVE: Fees for County Review of Municipal Planning and Zoning Actions
 (4-0)
 - c. COMM. 8D-5 (2006)
PARKS, RECREATION & FORESTRY: Erie County Parks Department - Wendt Beach - Comm. 24E-8
 (4-0)
 - d. COMM. 9E-4 (2006)
COMPTROLLER: Wendt Beach Concessions
 (4-0)
 - e. COMM. 10E-27 (2006)
COUNTY EXECUTIVE: ECSD No. 6 - Bethlehem Park Phase II/Village of Hamburg Phase IV - Contract No. 32SA - Change Order No. 1 - Kandey Company, Inc.
 (4-0)
 - f. COMM. 10E-29 (2006)
COUNTY EXECUTIVE: ECSTSTA - Engineering Service Agreements - Work Order: URS-5 - Comm. 21E-33
 (4-0)
 - g. COMM. 11M-2 (2006)
NYS DEPT. OF AGRICULTURE & MARKETS: EC Agriculture District No. 7
 (4-0)

2. COMM. 28E-15 (2006)
COUNTY EXECUTIVE
 RESOLUTION NO. 176

AS AMENDED

RESOLUTION DATED _____, 2006

RESOLUTION APPROVING THE EXTENSION OF ERIE COUNTY SEWER DISTRICT NO. 3
 AND MAKING OTHER DETERMINATIONS IN CONNECTION THEREWITH

(Introduced) _____, 2006.

(Adopted) _____, 2006.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated February 15, 2006 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated February 15, 2006, an extension of Sewer District No. 3 of the County of Erie, New York has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the Erie County Sewer District No. 3, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, there will be a cost increase of \$0.50 per unit incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, pursuant to Section 258 of the County Law, the consent of the State Comptroller is not required prior to the extension of said Erie County Sewer District No. 3 because such extension is not to be financed by the issuance of bonds, notes, certificates or other evidences of indebtedness of the County; and

WHEREAS, said County Legislature duly adopted Resolution No. 141 on the 11th day of May, 2006, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid extension of Erie County Sewer District No. 3 in accordance with the aforesaid map and plan, and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers and the County Legislature have given due consideration to the impact that the extension of Erie County Sewer District No. 3 may have on the environment and on the basis of such consideration, have found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers and the County Legislature have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 25th day of May, 2006, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the public hearing held on May 25, 2006, and after due consideration of the map and plan, and other recommendations and other data, if any, heretofore provided to the County Legislature, it is hereby found and determined that:

- (a) the proposed extension is satisfactory, sufficient, adequate and appropriate;
- (b) all the property and property owners within the proposed extension are benefited thereby;
- (c) all the property and property owners benefited are included within the limits of the proposed extension;
- (d) it is in the public interest to extend said Erie County Sewer District No. 3.

Section 2. The extension of Erie County Sewer District No. 3 is hereby approved and said extension shall comprise an area described as follows:

**LEGAL DESCRIPTION OF PROPOSED
 ENGEL DRIVE SANITARY SEWER IMPROVEMENT AREA**

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot 18, Township 9, Range 8 of the Holland Land Company's Survey, and further described as follows:

BEGINNING at a point on the north line of Old Lakeview Road, the said point also being on the east line of Engel Drive; thence easterly along the north line of Old Lakeview Road, a distance of 118 feet more or less to the southeast corner of Parcel No. 195.03-2-8; thence northerly along the east line of said parcel, a distance of 186 feet more or less to the northeast corner of said parcel; thence westerly along the north line of said parcel, a distance of 53 feet more or less to the northeast corner of Sublot No. 1, Map Cover 1761 as filed in the Erie County Clerk's office; thence northerly along the east line of said Map Cover and extension thereof, a distance of 495 feet more or less to the northeast corner of Parcel No. 195.03-2-2.1; thence westerly at a right angle, a distance of 256 feet more or less to the west line of Engel Drive; thence northwesterly along a curve to the left and along the Engel Drive right-of-way, a distance of 129 feet more or less to the east line of Sublot No. 7, Map Cover 1761; thence northerly along the east line of said Sublot No. 7, a distance of 3 feet more or less to the northeast corner of said Sublot No. 7; thence westerly along the north line of said Sublot No. 7, a distance of 290 feet more or less to the northwest corner of Sublot No. 7, Map Cover 1761; thence southerly along the west line of Map Cover 1761, a distance of 829 feet more or less to the southwest corner of Sublot No. 13, Map Cover 1761; thence easterly along the south line of Map Cover 1761, a distance of 375 feet more or less to the north line of Old Lakeview Road; thence

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easterly along the north line of Old Lakeview Road, a distance of 130 feet more or less to the point or place of beginning.

Section 3. There will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 3 however, there will be a cost increase of \$0.50 per unit incurred by the Erie County Sewer District No. 3, with respect to the extension of the boundaries of such District, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Section 4. This resolution is subject to permissive referendum and the Clerk of the Legislature is hereby authorized and directed to publish in full, within ten days after the adoption hereof, a Notice containing a true copy of this resolution, the resolution number, the date of adoption and a statement that such resolution is subject to permissive referendum.

(4-0)

3. COMM. 7E-38 (2006)

COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the appointment of the following individual to the Erie County Environmental Management Council for the term expiring April, 1, 2008.

APPOINTMENTS

NAME AND ADDRESS

REPRESENTATION

Fred Streif
 130 Streif Road
 Elma, New York 14059

Town of Elma

(4-0)

4. COMM. 8E-21 (2006)

AS AMENDED

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for the Erie County Sewer District Number 6, Wilmuth Avenue Pump Station Mechanical Bar Screen and Roof Replacement Project, Contract Nos. 41-G General and 41-E Electrical, at 10:00 a.m. on May 24, 2006.

| <u>Contract</u> | <u>Lowest Responsible Bidder</u> | <u>Amount Bid</u> |
|-----------------------------|---|-------------------|
| Contract 41-G General | Kohl Construction, Inc. 1427 Two Rod Road Alden, NY 14004 | \$558,620.00 |
| Contract 41-E Electrical | CIR Electrical Construction Corp. | \$33,700.00 |

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400 Ingham Avenue
 Buffalo, NY 14218-2536

For a Total Project Cost of \$592,320.00

WHEREAS, the aforementioned lowest responsible bidders have been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Wilmuth Avenue Pump Station Mechanical Bar Screen and Roof Replacement Project, Contract Nos. 41-G General and 41-E Electrical, be awarded to the lowest responsible bidders as follows:

| <u>Contract</u> | <u>Low Bidder</u> | <u>Amount Bid</u> |
|-----------------------------|---|-------------------|
| Contract 41-G General | Kohl Construction, Inc. 1427 Two Rod Road Alden, NY 14004 | \$558,620.00 |
| Contract 41-E Electrical | CIR Electrical Construction Corp. 400 Ingham Avenue Buffalo, NY 14218-2536 | 33,700.00 |

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contracts with the aforementioned lowest responsible bidders subject to approval as to form by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$592,320.00 from Sewer Capital, Erie County Sewer District No. 6, Account C.00037; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; one certified copy to Gregory Gach, Deputy Comptroller; one certified copy to the Erie County Comptroller's Office; one certified copy to Gregory Dudek, Assistant County Attorney and two (2) certified copies to Thomas J. Whetham, P.E., Department of Environment and Planning.
 (4-0)

5. COMM. 9E-15 (2006)
COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District Nos. 1, 4, 5, Pleasant View

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Drive Pumping Station Generator Replacement and Northern Region Office Generator Installation Project, Contract 38 on May 31, 2006.

| <u>Contract</u> | <u>Lowest Responsible Bidder</u> | <u>Amount Bid</u> |
|-----------------|--|-------------------|
| Contract 38 | Frey Electric Construction Co. 100 Pearce Avenue Tonawanda, New York 14150 | \$212,000.00 |

WHEREAS, the aforementioned lowest responsible bidder has been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Pleasant View Drive Pumping Station Generator Replacement and Northern Region Office Generator Installation Project, Contract No. 38 be awarded to the lowest responsible bidder as follows:

| <u>Contract</u> | <u>Low Bidder</u> | <u>Amount Bid</u> |
|-----------------|--|-------------------|
| Contract 38 | Frey Electric Construction Co. 100 Pearce Avenue Tonawanda, New York 14150 | \$212,000.00 |

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidder subject to approval as to form by the County Attorney and certification of availability of funds by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate a total of \$212,000.00 from the following Capital Bond Accounts: Erie County Sewer District No. 1 – C.00057, \$44,450.00; Erie County Sewer District No. 4 – C.00063, \$148,500.00; and Erie County Sewer District No. 5 – C.00056, \$19,050.00; for Contract 38; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; two (2) certified copies to Thomas J. Whetham, P.E., Department of Environment and Planning; one certified copy to Gregory Gach, Erie County Comptroller's Office and one certified copy to Gregory Dudek, Assistant County Attorney.
 (4-0)

6. INTRO 10-6 (2006)

LOUGHRAN

WHEREAS, the County of Erie is interested in advancing the development and use of the Wendt Beach property; and

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WHEREAS, in 2005, the County of Erie pursued this interest by issuing an RFP (Request for Proposal) and entering into discussions with the ONLY respondent; and

WHEREAS, the RFP process employed in the effort has been described as 'flawed;' and

WHEREAS, the only respondent to the 2005 RFP has publicly stated their withdrawal of interest in this project in conjunction with an uncomplimentary interpretation of the Erie County Legislature's responsibility to transparency on behalf of the taxpayers; and

WHEREAS, the 2005 RFP was limited in its publication resulting in very little in terms of response; and

WHEREAS, the 2005 RFP set no minimum of proven past success in this arena of concessionaire activity; and

WHEREAS, a report by the Erie County Comptroller's office has raised issues of importance relative to this transaction.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature calls for a new request for proposal (RFP) to be issued with more definitive terms and that such RFP be widely publicized through a broad array of media communications, ie newspapers, trade journals, the internet, etc.; and be it further

RESOLVED, that in order to assure full transparency the new RFP is to be reviewed by the Legislature prior to release.
 (4-0)

7. COMM. 10E-11 (2006)

COUNTY EXECUTIVE

RESOLVED, that the Erie County Legislature does hereby confirm the appointment and reappointments of the following individuals to the Erie County Fisheries Advisory Board for the term stated:

APPOINTMENT

| <u>NAME & ADDRESS</u> | <u>TERM EXPIRES</u> |
|--|---------------------|
| Mr. John Jaroszewski 213 Atlantic Avenue Sloan, New York 14212 | December 31, 2008 |

REAPPOINTMENTS

| <u>NAME & ADDRESS</u> | <u>TERM EXPIRES</u> |
|---------------------------|---------------------|
| Mr. Gerald May | December 31, 2006 |

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5858 Lakecrest Drive
 Lakeview, New York 14085

Mr. Herbert Schultz
 Southtowns Walleye Association of WNY
 55 North Shore Drive
 Blasdell, New York 14219

December 31, 2006

Mr. Tony Scime
 Niagara Muskie Association
 242 Southwood Drive
 Buffalo, New York 14223

December 31, 2006

(4-0)

8. COMM. 10E-14 (2006)

COUNTY EXECUTIVE

WHEREAS, the State of New York, through its Department of Environmental Conservation, provides financial aid for Phase II Stormwater Implementation Projects; and

WHEREAS, the New York State Department of Environmental Conservation granted Erie County \$328,000 to establish the Western New York Stormwater Coalition Local Ordinance Project; and

WHEREAS, the local match will be provided by the Western New York Stormwater Coalition in cash and in-kind services; and

WHEREAS, it is necessary to enter into a contract with the Western New York Stormwater Coalition to accept the \$315,000 local cash match; and

WHEREAS, a portion of the proposed grant budget will be used to reimburse staff within both the Department of Environment and Planning and the Department of Law over the next three fiscal years for work identified in the grant workplan; and

WHEREAS, it is necessary that a contract by and between the people of the State of New York, herein called the State, and Erie County be executed for such State aid; and

WHEREAS, the County of Erie herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein call the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE BE IT

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RESOLVED, that the County Executive is authorized to enter into the necessary agreements with the New York State Department of Environmental Conservation to accept and implement the Western New York Stormwater Coalition Local Ordinance Project in an amount not to exceed \$328,000 in grant resources; and be it further

RESOLVED, that the County Executive is authorized to enter into an agreement with the Western New York Stormwater Coalition to accept a \$315,000 local cash match; and be it further

RESOLVED, that Joel A. Giambra, County Executive, or such person's successor in office, is the representative authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Article 56, Title 3. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance; and be it further

RESOLVED, that the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation; and be it further

RESOLVED, that this Resolution take effect immediately; and be it further

RESOLVED, that the revenue from the Western New York Stormwater Coalition Local Ordinance Project is hereby appropriated in the grant for the period from June 1, 2006 to March 31, 2008 as follows:

REVENUE:

| | | |
|----------------------|--|-------------------|
| 409000 | State Aid – New York State Department of Environmental Conservation | \$328,000 |
| 420499 | Local Aid – Western New York Stormwater Coalition (Other Local Source Revenue) | \$315,000 |
| TOTAL REVENUE | | \$ 643,000 |

APPROPRIATIONS:

| | | |
|--------|--|---------|
| 505000 | Office Supplies | 5,000 |
| 510000 | Local Travel and Mileage | 1,500 |
| 530000 | Other Expenses | 2,000 |
| 561410 | Lab and Technical Equipment | 69,500 |
| 516020 | Contractual Services | 315,000 |
| 916200 | ID Dept. Environment and Planning Services | 125,000 |

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916000 ID Department of Law Services 125,000

TOTAL APPROPRIATIONS \$ 643,000

and be it further

RESOLVED, that the Director of Budget, Management, and Finance is hereby authorized to implement any budget adjustments as required to comply with Federal & State funding requirements, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget, Management and Finance; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; the County Attorney and the Albany office of the New York State Department of Environmental Conservation.

(4-0)

9. COMM. 10E-22 (2006)

COUNTY EXECUTIVE

WHEREAS, the New York State Department of Economic Development (NYSDED) provides grant assistance to implement pollution prevention technical assistance initiatives; and

WHEREAS, the NYSDDED solicited a proposal from Erie County Department of Environment and Planning (DEP) for participation in the Pollution Prevention Technical Assistance Program; and

WHEREAS, such a proposal was submitted to and approved by NYSDDED in March, 2003; and

WHEREAS, through Legislative resolution (Comm. 18E-9) dated November 13, 2003, Erie County accepted from NYSDDED a total of \$195,369 in grant resources to conduct a Pollution Prevention Program; and

WHEREAS, through that same Legislative resolution the sum of \$25,000 was transferred from the Regionalism/Economic Fund (DAC 110 9043038301299) to Account 886-6209, Interfund Subsidies, in the budget of the DEP to be used as the required local match; and

WHEREAS, the DEP is successfully implementing this project; and

WHEREAS, the current budget requires revision to maintain program continuity and allow the county to most efficiently utilize the remaining grant resources; and

WHEREAS, the DEP has applied for and received authorization from NYSDDED to revise the existing budget.

NOW, THEREFORE, BE IT

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RESOLVED, that the grant budget for the Erie County Pollution Prevention Technical Assistance Program (162PP_ASSIST0406) will be revised as follows:

APPROPRIATIONS:

| <u>Account</u> | <u>Description</u> | <u>Current Budget</u> | <u>Revisions</u> | <u>Revised Budget</u> |
|-----------------------|-----------------------------|-----------------------|------------------|-----------------------|
| 500000 | Salaries | \$160,534 | \$3,476 | \$164,010 |
| 502000 | Fringe Benefits | 48,335 | 1,008 | 49,343 |
| 505000 | Office Supplies | 500 | (250) | 250 |
| 510000 | Local Mileage Reimbursement | 500 | 786 | 1,286 |
| 510100 | Out of Area Travel | 1,500 | (1,470) | 30 |
| 516020 | Professional Services | 6,323 | (1,550) | 4,773 |
| 530000 | Other Expenses | 2,677 | (2,000) | 677 |
| TOTAL APPROPRIATIONS: | | \$220,369 | | \$220,369 |

and be it further

RESOLVED, that the Director of Budget, Management, and Finance is hereby authorized to implement any budget adjustments as required to comply with Federal & State funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; the Commissioner of Personnel; and the County Attorney.
 (4-0)

10. COMM. 10E-23 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) provides technical assistance to Erie County and it's municipalities to assist them in complying with environmental regulations; and

WHEREAS, the New York State Department of Environmental Conservation has identified an environmental problem involving the run off of pollution (silt in stormwater runoff) from the East Concord Highway garage into the adjacent New York State Protected Freshwater Wetland; and

WHEREAS, the New York State Department of Environmental Conservation solicited applications for projects that target Nonagricultural Non-point Source Abatement and Control during calendar year 2005; and

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WHEREAS, the Erie County Department of Environment and Planning applied for and was awarded a \$10,406 grant to construct a sediment basin at that location to eliminate the pollution of the wetland; and

WHEREAS, the Erie County Soil and Water Conservation was identified as a project partner in the approved grant application and will provide design and construction bid and inspection services; and

WHEREAS, the required in-kind local match will involve services and/or materials provided by the Erie County Departments of Environment and Planning and Public Works; and

WHEREAS, the County of Erie herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein call the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized and directed to enter into an agreement with the New York State Department of Environmental Conservation to accept \$10,406 for the construction and maintenance of a sediment basin/grassed filter strip, and be it further

RESOLVED, that the County Executive is hereby authorized and directed to enter into an agreement with the Erie County Soil and Water Conservation District for an amount not to exceed \$10,406, and be it further

RESOLVED, that Joel A. Giambra, County Executive, or such person's successor in office, is the representative authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Article 56, Title 3. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance, and be it further

RESOLVED, that the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation, and be it further

RESOLVED, that this Resolution will take effect immediately, and be it further

RESOLVED, that a Stormwater Demonstration project grant budget be established by the DEP as follows:

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REVENUES:

| | | |
|--------|--|-----------------|
| 409000 | State Aid – New York State Department of Environmental Conservation | <u>\$10,406</u> |
| | TOTAL REVENUE | \$10,406 |

APPROPRIATIONS:

| | | |
|--------|----------------------|-----------------|
| 516020 | Contractual Services | <u>\$10,046</u> |
| | TOTAL | \$10,046 |

and be it further

RESOLVED, that the director of Budget, Management and Finance is hereby authorized to implement any budget adjustments as required to comply with Federal and State funding requirements, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; Andrew M. Eszak, AICP, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; John C. Loffredo, P.E. Commissioner of Public Works, Gerard J. Sentz, P.E., Deputy Commissioner of Highways, the County Comptroller; the County Attorney and the Albany office of the New York State Department of Environmental Conservation. (4-0)

11. INTRO 11-2 (2006)

KOZUB

WHEREAS, the site known as Times Beach Nature Preserve located on the Buffalo Waterfront has a long social and historical legacy including being the site of an original Shanty Town and was once the site of Buffalo's only public bathing beach; and

WHEREAS, the Times Beach site has evolved into a significant and important habitat for a variety of land and water animals including but not limited to approximately 240 species of migrant and breeding birds; and

WHEREAS, the concept of a nature preserve defines the site as primarily to preserve, restore, and conserve nature, natural ecosystems, promote sound ecological use, and to prohibit the use of the property for other purposes; and

WHEREAS, the County of Erie has recognized the Times Beach site as a nature preserve and identified the property as a ceterpiece in the revitalization of Buffalo and Erie County's waterfront and as one of the best birding areas in the Northeastern United States; and

WHEREAS, the Times Beach site includes three significant ecosystems and four different habitat zones, including emergent marsh, silt flat, woodland, upland and aquatic zones; and

WHEREAS, the Times Beach Nature Preserve is widely recognized as one of the few remaining undeveloped habitats on the Great Lakes and is strategically located because of its proximity to the City of Buffalo, Lake Erie, the Niagara River; and

WHEREAS, the Times Beach Nature Preserve is recognized as part of the Atlantic Flyway and is an important stopover for migrating birds; and

WHEREAS, the Times Beach Nature Preserve is located in the globally significant Niagara River Corridor Important Bird Area and near the Tiff Nature Preserve Important Bird Area; and

WHEREAS, the Times Beach Oversight Committee which is comprised of a group of citizen activists and representatives from the City of Buffalo, Erie County, the State of New York, the United States Army Corps of Engineers, and the government of the United States has played a significant role in the protection and restoration of this precious waterfront nature preserve.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature recognizes the vital importance of the Times Beach Nature Preserve to the responsible and sustainable development of the waterfront and to the continued public health and welfare on a local, regional and global scale to a diverse array of bird species and other living resources and agrees to work cooperatively towards the continued stewardship of the natural communities and the resources upon which they depend; and be it further

RESOLVED, that the Erie County Legislature recognizes that valuable contributions of the Times Beach Oversight Committee in its role as facilitator, benefactor and protector of the Times Beach Nature Preserve and commends and thanks them for their invaluable services to the citizens of Erie County and the region; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Times Beach Oversight Committee, the County Executive, the Commissioner of Parks and Recreation, the Commissioner of Environment and Planning and the County Attorney.
 (4-0)

12. COMM. 11E-7 (2006)

COUNTY EXECUTIVE

WHEREAS, the County of Erie has been working with the New York State Canal Corporation to coordinate design and construction of the Erie Canalway Trail through parts of the Towns of Amherst and Tonawanda; and

WHEREAS, prior to constructing the project Erie County is required to obtain land control/occupancy agreements from those landowners having properties that will be utilized by said project; and

WHEREAS, the project will traverse a small land parcel owned by the Town of Amherst as part of the Old Niagara Falls Boulevard right-of-way,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute a land control/occupancy agreement with the Town of Amherst for lands to be traversed by the Erie Canalway Trail and generally located on Attachment A to this resolution; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; the Director of the Division of Budget, Management, and Finance; and the Commissioner of the Department of Public Works.

(4-0)

13. COMM. 11E-10 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 6ST-B, HVAC, to John W. Danforth Company for the disinfection improvements at the Southtowns Sewage Treatment Plant; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 6ST-B, HVAC, in the final contract amount of \$152,946.11 which includes Change Order No. 2 (final), a decrease of \$5,608.20, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 6ST-B, HVAC, between the County of Erie and John W. Danforth Company, 300 Colvin Woods Parkway, Tonawanda, NY 14150 is accepted in the amount of \$152,946.11, which includes Change Order No. 2(final), a decrease of \$5,608.20, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 6ST-B, HVAC, between the County of Erie and John W. Danforth Company in the amount of \$152,946.11 and release all retention; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy to Joel Giambra, County Executive, Mark Poloncarz, Erie County Comptroller, Gregory Dudek, Assistant County Attorney and Kenneth Vetter, Director of Budget and Management.

(4-0)

THOMAS LOUGHRAN
CHAIRMAN

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Item 18 – MR. KOZUB presented the following report and moved to separate items 4 and 5 and move the balance of the report. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 177

JUNE 14, 2006

PUBLIC SAFETY COMMITTEE
 REPORT NO. 8

ALL MEMBERS PRESENT EXCEPT LEGISLATOR MILLS.

1. COMM. 10E-10 (2006)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the following individuals to the Erie County Fire Advisory Board:

APPOINTMENTS

| NAME | TERM EXPIRATION |
|--|-------------------|
| Ronald Rozler 27 Sherborne Avenue Lancaster, New York 14086 | December 31, 2007 |
| James Fyock 2040 Kimble Avenue North Collins, New York 14111 | December 31, 2007 |
| Commissioner Michael Lombardo 195 Court Street Buffalo, New York 14202 | December 31, 2007 |

(3-0)

2. COMM. 10E-19 (2006)
COUNTY EXECUTIVE

WHEREAS, the Department of Probation and Youth Detention Services is responsible for providing services to address the needs of juveniles in the juvenile justice system and improve the quality of life in our community, and

WHEREAS, grant funds from the New York State Division of Criminal Justice Services will allow for the enhancement of services to youths in the juvenile justice system.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to extend the contract with New York State Division of Criminal Justice Services until September 30, 2006,

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amend the budget lines, extend payroll authorization for the Probation Officer, and account for the full reimbursement of fringe benefits, and be it further

RESOLVED, that authorization is hereby provided to budget those funds in the grant as follows:

ERIE COUNTY DEPARTMENT OF PROBATION AND YOUTH DETENTION
CHALLENGE GRANT
July 1, 2004 to September 30, 2006

| <u>Acct.</u> | <u>Revenue</u> | <u>From</u> | <u>Change</u> | <u>To</u> |
|----------------------------|----------------------|------------------|------------------------|------------------|
| | Appropriations | | | |
| Acct. 500000 | | \$74,876 | + 1,403 | \$76,279 |
| | Personnel | | | |
| Acct. 502000 | Fringe | 17,008 | +12,406 | 29,414 |
| | Benefits | | | |
| Acct 505000 | Supplies | 2,000 | -151 | 1,849 |
| Acct 530000 | Other | 3,933 | -1,933 | 2,000 |
| | Expenses | | | |
| Acct 505200 | Clothing | 500 | -162 | 338 |
| Acct 510000 | Travel | 1,750 | -1,630 | 120 |
| | Local | | | |
| Acct 561410 | | 8,933 | -8933 | 0 |
| | Equipment | | | |
| Acct 506200 | Repair & Maintenance | <u>1,000</u> | -1,000 | <u>0</u> |
| Total Appropriation | | \$110,000 | Net Change: -0- | \$110,000 |

and be it further,

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Department of Probation and Youth Detention Services, the Erie County Department of Personnel, the County Comptroller and the Division of Budget, Management and Finance.
(3-0)

3. COMM. 10E-21 (2006)
COUNTY EXECUTIVE

WHEREAS, the Department of Emergency Services wishes to modify its 2006 budget so that the Department can provide funds to reimburse volunteer fire departments who provide fire protection to the county facilities under contract, and

WHEREAS, the Department of Emergency Services wishes to also modify its 2006 budget so that the Department can provide funding for instructors to conduct the required National Incident Management System (NIMS) training programs, and

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WHEREAS, funds are available in the 2006 Department of Emergency Services' Budget which will be transferred in order for these purposes,

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby granted for the modification of the Department of Emergency Services 2006 Budget so that the Department can provide the funding needed to pay volunteer fire companies to provide fire protection under contract to county facilities and provide the required National Incident Management System (NIMS) training programs. The required budgetary adjustments are as follows:

Department of Emergency Services
Modification to Department's 2006 Budget

| | Appropriations | | |
|---|---------------------------------|-------------------------------|--|
| | <u>Adopted</u> <u>Budget</u> | Amount of <u>Change</u> | <u>Proposed</u> <u>Modification</u> |
| SAP Acct. 500010 Part Time - Wages | 45,009 | - 9,000 | 36,009 |
| SAP Acct. 516020 Pro Ser Cnt. & Fees | 11,300 | + 5,000 | 16,300 |
| SAP Acct. 510200 Training and Education | 3,000 | + 4,000 | 7,000 |
| Total Change | | | <u>0</u> |

and be it further,

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Central Police Services/Emergency Services.

(3-0)

4. INTRO 11-9 (2006) **AS AMENDED**
WHYTE, KENNEDY, KOZUB & REYNOLDS

WHEREAS, the county has had a Prime Time Summer Youth Program for the last 13 years which was directed at youth between the ages of 10-18 and provided structured, safe, and healthy activities for youth during the months of July and August, most often between the hours of noon and 10:00 p.m., and

WHEREAS, according to the Alliance for Quality Education, 14.3 million children return to empty homes after school and are home alone during the summer months with limited or no supervision and no structured activities, and

WHEREAS, studies show that juvenile crime triples between the hours of 3:00 to 6:00 pm and studies also show that youth in after school and summer programs are 50% less likely to smoke, drink, or use illegal drugs, and

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WHEREAS, police chiefs, sheriffs, and prosecutors overwhelmingly agree that investing in after school and summer programs is more effective in reducing youth violence and crime than hiring more police officers or greater punitive measures, and

WHEREAS, the county is currently in the early stages of implementing the PFM 4-year plan which calls for a decrease in the inmate population at the holding center, which, under New York State Law, holds individuals as young as 16 years of age, and

WHEREAS, every dollar invested in the county Prime Time program was matched at a ratio of nearly 2 to 1 by New York State, and

WHEREAS, the county invested \$200,000 in the Prime Time program in 2004, serving over 16,000 unduplicated youth and leveraging an additional \$372,000 from New York State, and

WHEREAS, due to the county fiscal crisis funding for the 2005 and 2006 Prime Time Summer Youth Program was cut completely, thereby also eliminating the state funds made available for this program, and

WHEREAS, members of the WNY Delegation have confirmed that should the county be able to find funding for the Prime Time Summer Youth Program for the summer of 2006, the State will be able to match the funds, and

WHEREAS, according to data tracked by the county's own Department of Probation and Youth Detention Services which has worked with the University of Rochester to develop a measurement tool (known as the R.E.A.D.Y tool) used by all county funded youth programs, youth in Erie County fall well below the national average in obtaining the core competencies and assets needed to succeed in and out of school and subsequently stay out of trouble, and

WHEREAS, also according to data tracked by the Youth Department, youth detention and delinquency increased during the summer of 2005 when the funding for the Prime Time Program was first cut, and

WHEREAS, every dollar spent on youth programming, education, and recreation, both public and private, ought to be viewed by this honorable body and our society at large as an investment rather than an expense.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body decides to spend 100% of the unanticipated and unallocated funds raised by the recent sale of county properties to invest in youth programming and thereby decrease the inmate population at the holding center, an important goal of the county's 4-year plan, and be it further

RESOLVED, that the Commissioner of Probation and Youth Detention formally submit a request to New York State to match the funds at the same rate as in 2004, and be it further

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RESOLVED, that the Erie County Youth Advisory Board, will use the data tracked by the R.E.A.D.Y. tool to prioritize funding for those areas most in need; and be it further

RESOLVED that copies of this resolution be forwarded to the County Executive, the Budget Director, the Director of Management Initiatives, the Commissioner of the Probation and Youth Detention Department, the Erie County Youth Advisory Board, and members of the WNY Assembly and Senate Delegation.

(3-0)

5. COMM. 11E-6 (2006)

COUNTY EXECUTIVE

WHEREAS, the STOP-DWI Office has established Go Safe!, a cooperative effort with the hospitality and taxi industry that provides a sustainable alternative to drunken driving by offering free taxi rides to patrons of participating establishments, and

WHEREAS, GoSafe! has removed over 2700 potential drunken drivers from Erie County Roads and has provided for over 800 future rides when needed, and

WHEREAS, Go Safe! is endorsed by Erie County Mothers Against Drunk Driving (MADD), and

WHEREAS, the County Attorney has recommended the purchase of a Liability Policy to protect county taxpayers from potential litigation and liability costs, and

WHEREAS, a policy, from Capital Specialty Insurance Company, has been identified by the County's insurance consultants, and

WHEREAS, money to pay the premium for this policy is available in the STOP DWI Reserve Account,

NOW, THEREFORE, BE IT

RESOLVED, that the following transactions are authorized to amend the budget of the STOP-DWI Office in order to purchase the insurance policy

CENTRAL POLICE SERVICES

Cost Center #1650060

WBS Element #SDWI

| <u>APPROPRIATIONS</u> | <u>FROM</u> | <u>CHANGE</u> | <u>TO</u> |
|---------------------------------|--------------|---------------|-------------|
| ACCT #555050 Insurance Premiums | \$ 0 | \$ 6,000 | \$6,000 |
| <u>REVENUES</u> | <u>FROM</u> | <u>CHANGE</u> | <u>TO</u> |
| ACCT. #415650 | \$ 1,642,695 | \$ 6,000 | \$1,648,695 |

and, be it further

RESOLVED, that in order to mitigate the risks associated with GoSafe, the STOP-DWI Office is authorized to purchase a general liability policy, from Capital Specialty Insurance Company, with limits of \$1 million per incident and \$2 million aggregate, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Central Police Services, the Office of the Comptroller, Division of Budget and Management, the Law Department, and the STOP-DWI Office.

(3-0)

**DANIEL M. KOZUB
CHAIRMAN**

MR. KOZUB moved to amend Item No. 4. MR. MAZUR seconded.

CHAIRMAN MARINELLI directed that a roll-call vote be taken.

AYES: HOLT, IANNELLO, KENNEDY, KOZUB, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. NOES: MILLS, RANZENHOFER, KONST and LOCKLEAR.
(AYES: 10; NOES: 4)

CARRIED.

ADD the following as the 5th and 6th Resolved Clauses:

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to amend the budgets of the Departments of Probation, Youth Detention, Youth Bureau and Social Services as necessary to appropriate funds for the purpose of expanding the Prime Time Summer Youth Program for the summer of 2006; and be it further

RESOLVED, that execution of necessary contracts or contract amendments is hereby authorized pursuant to funding priorities to be established by the Erie County Youth Advisory Board.

MR. KOZUB moved for the approval of Item No. 4 as amended. MR. MAZUR seconded.

CHAIRMAN MARINELLI directed that a roll-call vote be taken.

AYES: HOLT, KENNEDY, KOZUB, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. NOES: MILLS, RANZENHOFER, IANNELLO, KONST and LOCKLEAR.
(AYES: 9; NOES: 5)

CARRIED.

CHAIRMAN MARINELLI directed that Item No. 5 be returned to the PUBLIC SAFETY COMMITTEE for further consideration.

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GRANTED.

Item 19 – MS. IANNELLO presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 178

JUNE 1, 2006

COMMUNITY ENRICHMENT COMMITTEE
 REPORT NO. 8

ALL MEMBERS PRESENT EXCEPT LEGISLATOR RANZENHOFER.

1. RESOLVED, the following item is hereby received and filed:
 - a. INTRO 7-3 (2006)
MINORITY CAUCUS: Development of Student Housing on ECC's South Campus in Hamburg, NY
 (5-0)

MICHELE M. IANNELLO
CHAIRMAN

Item 20 – MR. HOLT presented the following report and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 179

JUNE 15, 2006

GOVERNMENT AFFAIRS COMMITTEE
 REPORT NO. 10

ALL MEMBERS PRESENT. CHAIRMAN MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3E-5 (2006)
COMPTROLLER: Audit and Review of Operations of the Erie County Board of Elections
 (5-0)
 - b. COMM. 3D-5 (2006)
BOARD OF ELECTIONS: HAVA Requirements: Election Inspector Compensation
 (5-0)

- c. COMM. 3D-9 (2006)
BOARD OF ELECTIONS: HAVA Requirements
(5-0)
- d. COMM. 5E-6 (2006)
COMPTROLLER: Text of a Statement Prepared for Public Hearing on HAVA
(5-0)
- e. COMM. 6D-1 (2006)
BOARD OF ELECTIONS: Response to Audit & Review of Operations of the Erie County
BOE
(5-0)
- f. COMM. 6D-2 (2006)
BOARD OF ELECTIONS: Polling Place Rental Costs
(5-0)
- g. COMM. 7D-11 (2006)
BOARD OF ELECTIONS: Response to Audit & Review of Operations - EC BOE
(5-0)
- h. COMM. 10E-7 (2006)
MARINELLI: Copy of Memo to BOE Commissioners Re: BOE Priority Funding Plan
(5-0)

- 2. INTRO 7-5 (2006) **AS AMENDED**
KONST, IANNELLO, LOCKLEAR, LOUGHRAN, MAZUR & HOLT
WHEREAS, the taxpayers of Erie and Niagara counties are under extraordinary budget
pressure this year; and

WHEREAS, the Erie County Board of Elections is already under funded and unable to meet its legal responsibilities as is; and

WHEREAS, the Erie County Board of Elections faces even more duties imposed upon it by the state mandates required by HAVA legislation; and

WHEREAS, a special election which was held on February 28, 2006 for the 60th Senate District will end up costing both Erie and Niagara Counties between \$200,000 and \$250,000; and

WHEREAS, funding for this Special Election was neither anticipated nor included in the 2006 Erie County budget; and

WHEREAS, Erie and Niagara Counties face the possibility of yet another special election in the 142nd Assembly District has been scheduled for May 2, 2006; and

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WHEREAS, this special election for the 142nd Assembly District has been scheduled for May 2, 2006; and

WHEREAS, by the time this election takes place the State Legislature will have completed the major part of its legislation. An Individual elected in this special election will only sit about a month of the remaining Legislative Session.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature request that New York State reimburse Erie and Niagara Counties for the cost of conducting special elections when the governor calls them; and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Board of Election Commissioners Dennis Ward and Ralph Mohr, Niagara County Board of Election Commissions, Nancy Sharpe and Scott Kiedrowski, the WNY State Legislature Delegation, Governor Pataki, and the Erie County Fiscal Stability Authority.
 (5-0)

GEORGE A. HOLT, JR.
CHAIRMAN

Item 21 – MR. KENNEDY presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 180

JUNE 15, 2006

ECONOMIC DEVELOPMENT COMMITTEE
 REPORT NO. 10

ALL MEMBERS PRESENT.

1. **COMM. 11E-8 (2006)**
COUNTY EXECUTIVE

WHEREAS, Maryvale East Housing Development Fund Corp. and 100-120 Moorman Drive Associates L.P. are developing housing for very-low and low-income senior households (Project), pursuant to Article XI of the New York Private Housing Finance Law; and

WHEREAS, the project located at 100-120 Moorman Drive in the Town of Cheektowaga, New York consists of 172 rental residential apartments for very-low and low- income senior households; and

WHEREAS, Maryvale East Senior Housing will be managed by Maryvale East Management Corp.; and

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WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and this PILOT is consistent with and exceeds the payment requirement under said policy; and

WHEREAS, in order to make the Project economically feasible for very-low and low-income senior households it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a PILOT Agreement with 100-120 Moorman Drive Associates L.P., Maryvale East Housing Development Fund Corp., and Town of Cheektowaga relating to Maryvale East Senior Housing Complex and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount which will be the greater of three percent (3%) of the net annual revenues for the previous calendar year as determined by the annual project audit or the amount of taxes due as set forth on Schedule B attached hereto. Payment under the agreement will be for fifteen (15) years with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget, Management, and Finance; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.
 (4-0)

2. COMM. 11E-9 (2006)

COUNTY EXECUTIVE

WHEREAS, The 15 Buffalo Street Partners, LLC have requested the transfer of 0.413 acre of highway right-of-way on the northeast corner of Lake Shore and Big Tree Roads for the purpose of providing them with enough square footage to meet Hamburg's code for a building lot, and

WHEREAS, the County of Erie will receive \$5,500.00 in consideration for the transfer of 0.413 acre of vacant land as shown on Survey Map No. 4-C as Parcel 138 with an accompanying description.

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive is hereby authorized and directed to convey the following interest in the parcel of land herein described for and in consideration of the sum described herein, and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner-Highways, Department of Public Works; one certified copy to the Commissioner of Public Works; one certified copy to the County Executive; one certified copy to the Division of Budget Management & Finance; one certified copy to the County Attorney's Office (Brian White); and one certified copy to the Erie County Comptroller.

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(4-0)

TIMOTHY M. KENNEDY
CHAIRMAN

Item 22 – MR. SMITH presented the following resolution and moved for immediate consideration and approval. MR. HOLT seconded. MR. RANZENHOFER voted in the negative.

CARRIED (13-1)

RESOLUTION NO. 181

JUNE 15, 2006

FINANCE & MANAGEMENT COMMITTEE
 REPORT NO. 10

ALL MEMBERS PRESENT. CHAIRMAN MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 4E-4 (2006)
COMPTROLLER: 2004 Management Letter
 (5-0)
 - b. COMM. 5M-11 (2006)
ECFSA: Budget Report for 2006
 (5-0)
 - c. INTRO 9-4 (2006)
KONST, LOCKLEAR, IANNELLO, MAZUR, SMITH, RANZENHOFER & WEINSTEIN: Cap on Gasoline Tax
 (3-2) Legislators Konst and Mills voted in the negative.
 - d. INTRO 10-1 (2006)
RANZENHOFER: Erie County Cap on Tax for Motor Fuel & Diesel Motor Fuel
 (3-2) Legislators Konst and Mills voted in the negative.

DEMONE A. SMITH
CHAIRMAN

Item 23 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 182

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HUMAN SERVICES COMMITTEE
REPORT NO. 8

ALL MEMBERS PRESENT.

ALL ITEMS ARE HERBEY TABLED.

**THOMAS MAZUR
CHAIRMAN**

LEGISLATOR RESOLUTIONS

Item 24 – CHAIRMAN MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 12-1 from MILLS, RANZENHOFER and WEINSTEIN Re: Transfer Tax & Highway Construction.

Item 25 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 183

A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI

WHEREAS, the Erie County Legislature received notification of vacancies existing on the Erie County Audit Committee; and

WHEREAS, the vacancies existing on the Erie County Audit Committee are for a representative recommended by the Erie County Bar Association and a representative of a commercial bank; and

WHEREAS, thr Erie County Bar Association recommends that their vacancy be villed by Mr. Courtland LaVallee, Esq.; and

WHEREAS, Mr. Gary Quenneville of Key Bank be appointed to fill the vacancy as a commercial bank representative.

NOW, THEREFORE, BE IT

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RESOLVED, that Mr. Courtland LaVallee, Esq. and Mr. Gary Quenneville are hereby appointed to the Erie County Audit Committee; and be it further

RESOLVED, that certified copies of this resolution be sent to Mr. Courtland LaVallee and Mr. Gary Quenneville, the Erie County Audit Committee and the Erie County Comptroller.

Item 26 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 184

A RESOLUTION SUBMITTED BY
 LEGISLATORS MARINELLI, WHYTE, KOZUB, KENNEDY,
 HOLT, KONST, SMITH, MAZUR, LOCKLEAR, IANNELLO,
 REYNOLDS, LOUGHRAN, MILLS and RANZENHOFER

WHEREAS, on October 29, 2002, President George W. Bush signed the “Help America Vote Act” (*HAVA*), a Federal mandate, which provided for sweeping changes in voting systems and for the administration of the electoral process, from voter registration to the casting of the ballot. In New York State, *HAVA* was implemented by the Election Consolidation and Improvement Act of 2005, which was signed into law by Governor George Pataki on July 12, 2005, and

WHEREAS, prior to the implementation of *HAVA* each municipality in Erie County was responsible for hiring and setting all terms of employment for election inspectors; and

WHEREAS, *HAVA* forces Erie County hire and compensate all election inspectors and set a rate of compensation which is uniform throughout Erie County; and

WHEREAS, the Board of Elections are able to recover the costs of compensating the election inspectors from the municipalities where the elections are held; and

NOW, THEREFORE, BE IT

RESOLVED, the daily rate of pay, including travel and any other cost, for all Erie County election inspectors for all remaining elections in 2006 is \$132 per day with a \$15 stipend for the captain, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Board of Elections, County Executive, Budget Director, and the Comptroller.

MS. WHYTE moved for approval of the item. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

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Item 27 - CHAIRMAN MARINELLI directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 12-4 from MARINELLI, WHYTE and KENNEDY Re: Establishing a Citizens' Guide to the Parks

Item 28 – CHAIRMAN MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 12-5 from MARINELLI, WHYTE, HOLT, KENNEDY, REYNOLDS & KOZUB

Item 29 – CHAIRMAN MARINELLI directed that the following item be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO 12-6 from SMITH Re: Accurate Census Bureau Count of Incarcerated Persons in Erie County

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 30 – MS. WHYTE moved to discharge the COMMUNITY ENRICHMENT COMMITTEE from further consideration of COMM. 10E-32. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 185

RE: ECC Budget 2006-2007

RESOLVED, that the Erie Community College budget for the fiscal year commencing September 1, 2006, and ending August 31, 2007 is hereby approved in the amount of \$85,147,062, with Erie County's sponsor contribution fixed at \$15,429,317.

Item 31 – MS. WHYTE moved to discharge the COMMUNITY ENRICHMENT COMMITTEE from further consideration of COMM. 10E-25. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 186

RE: Lease of Space on Cell Tower at ECC South Campus

WHEREAS, in 1994 Buffalo Telephone Company (now Cingular) constructed a microwave relay tower at Erie Community College, South Campus, for mutual usage without cost to Erie County; and

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WHEREAS, Buffalo Telephone Company entered into a five year lease agreement with Erie County for a reduced rate of \$9,000 per year which was extended for an additional five year term at \$10,000 per year; and

WHEREAS, Sprint Spectrum, LP, AT&T Wireless Services, Cricket and Nextel have all since entered into five year lease agreements for available space on the tower, paying the college approximately \$15,000 per year; and

WHEREAS, Omnipoint Communications, Inc. (T-Mobile) wishes to enter into a five year lease agreement, with options to extend, subject to the County's approval, paying the college approximately \$20,400.00 per year during the initial term, with 15% rent increases for extended terms; and

WHEREAS, Erie Community College's Board of Trustees approved the President of the college to enter into a five year lease with Omnipoint Communications, Inc. (T-Mobile) at its Board meeting on January 26, 2006; and

WHEREAS, the granting of this lease is routine or continuing administration and management of the existing microwave tower, a Type II action pursuant to Article 8 of the Environmental Conservation Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED, that subject to approval by the Erie Community College Board of Trustees and the County Attorney, the Erie County Executive is hereby authorized to execute a lease agreement with Omnipoint Communications, Inc. to rent space on the existing microwave relay tower at Erie Community College South Campus; and be it further

RESOLVED, that the term of the lease shall be for an initial term of five years at \$1,700.00 per month with options for renewals, subject to County approval, providing rent increases of fifteen percent; and be it further

RESOLVED, that the funds received from this lease are to be budgeted for, and accounted for, as operating revenues of Erie Community College; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to Erie Community College, the Erie County Division of Budget, Management and Finance, the Erie County Comptroller, and the Erie County Department of Law.

MS. WHYTE moved to approve the item. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

Item 32 – MS. WHYTE moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of COMM. 11E-17. MR. HOLT seconded. MR. RANZENHOFER and MS. IANNELLO voted in the negative.

CARRIED (12-2).

RESOLUTION NO. 187

RE: Creation of Fully-Funded Position Within
the Division of Building & Grounds

WHEREAS, the Division of Buildings & Grounds performs maintenance work at the Erie County Home & Infirmary, including plumbing, electrical, carpentry and painting, and

WHEREAS, when the budget cuts of 2005 were made, fully funded positions serving the Erie County Home & Infirmary were deleted thus causing services to be less than optimal, and

WHEREAS, the Erie County Home and Infirmary recognizes that our staff has been cut and has formally requested that two additional positions be added that can be submitted for reimbursement, and

WHEREAS, after the 2005 cuts were made, a grievance was filed on the placement of Building Maintenance Mechanics that is still being negotiated; however, creating a Building Maintenance Mechanic (JG 7) position as one of the new positions will eliminate this grievance, and

WHEREAS, a Head Janitor (JG 6) supervises our County cleaning staff that includes people in the same job grade and in higher job grades, and

WHEREAS, a grievance is being filed that he is working out of title that will be lost, and

WHEREAS, adding an Assistant Supervisor of Cleaning (JG 10) will satisfy the needs of Union and also will be fully funded by the Office of Courts Administration, and

WHEREAS, three B-100's being numbers 2071, 2072 and 2062 have been prepared to create one (1) Building Maintenance Mechanic (JG 7), one (1) Maintenance Worker (JG 5) and one (1) Assistant Supervisor of Cleaning (JG 10),

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the creation of one (1) Building Maintenance Mechanic (JG 7), one (1) Maintenance Worker (JG 5), and one (1) Assistant Supervisor of Cleaning (JG 10) and be it further,

RESOLVED, that funding for this request will be made available from vacancy savings already earned in the budget of the Division of Buildings and Grounds and from additional revenue from the Unified Court System, and be it further,

RESOLVED, that the Erie County Legislature authorizes the increase in revenue in SAP account 405170, State Aid Court Facility, by \$20,150 and a corresponding expense increase in account 500000, Full Time Salaries, and be it further,

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RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, and one copy each to the Office of the County Executive, the Division of Budget, Management & Finance, the Commissioner of Personnel, and the Office of the Comptroller.

MS. WHYTE moved for approval of the item. MR. REYNOLDS seconded. MR. RANZENHOFER and MS. IANNELLO voted in the negative.

CARRIED (12-2).

SUSPENSION OF THE RULES

Item 33 – MS. WHYTE moved for a Suspension Of The Rules to include an item not on the agenda.

GRANTED.

COMM. 12E-46 from the COUNTY EXECUTIVE Re: Ticor Building - Re-use for County Attorney's Offices

Received and referred to the Government Affairs Committee.

Item 34 – MS. WHYTE moved for a Suspension Of The Rules to include an item not on the agenda.

GRANTED.

COMM. 12M-15 from the COORDINATED CARE MANAGEMENT CORPORATION Re: Comm. 12E-32 - Replacing Services Provided by Coordinated Care to the CASA Program Through DSS Contract

Received and referred to the Human Services Committee.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE SHERIFF

Item 35 – (COMM. 12E-1) Copy of Letter to CX Re: Vacant Positions in the Sheriff's Division

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 36 – MR. KENNEDY moved to override the County Executive's Veto of Local Law Intro. No. 3-2006. MS. WHYTE seconded.

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CHAIRMAN MARINELLI directed that a roll-call vote be taken.

AYES: HOLT, IANNELLO, KENNEDY, KOZUB, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. NOES: MILLS, RANZENHOFER, KONST and LOCKLEAR. (AYES: 10; NOES: 4)

CARRIED.

RESOLUTION NO. 188

RE: Veto of Local Law Intro. No. 3-2006 (Comm. 12E-2)

June 5, 2006

Kevin M. Kelley, Clerk
 Erie County Legislature
 92 Franklin Street, 4th Floor
 Buffalo, New York 14202

Dear Mr. Kelley:

Local Law Intro. No. 3-2006, entitled "*A LOCAL LAW in relation to a requirement for New York State Certified Worker Training Programs by contractors and subcontractors, as defined herein, with the County of Erie,*" a certified copy of which is attached hereto, was presented to me for approval on May 12, 2006. A public hearing regarding this local law was duly held on May 25, 2006. Pursuant to Erie County Charter Section 205, I hereby disapprove of this Local Law Intro.

As with the prior Local Law Intro on this subject, which I also vetoed, Intro No. 3 is inconsistent with the State law that allows for municipalities to require apprenticeship training programs as a condition of their competitively bid construction contracts.

The Intro requires that the apprenticeship training program be one that has been approved by the NYS Department of Labor and that contains certain standards, including a goal of 30% minority and female participation in the entire workforce, and providing for a minimum of 10% of the total construction workers, trades people, trainees, journeyman, and apprentices employed on the project to be persons participating in a "New York Certified Worker Training Program." If this refers to a "registered apprenticeship training program" (the phrase used by the Department of Labor, such a program would not address the overall workforce or have the kind of goals that are mandated by this Intro.

A training program is generally trade specific. A single "New York State Certified Worker Training Program" would not address multiple trades, thus rendering it impossible for a contractor to show it has a single program which provides that 10% of its total workforce will be made up of apprentices. Furthermore, the Intro requires a contractor to demonstrate it has a (singular) NYS Certified Worker Training Program. It is unlikely that there would be a single such program for a general contractor. There would be one for painters, one for carpenters, one for welders, etc.

The Intro is unclear as to whether the contractor has to show it has the requisite program at the time of bid or at the time of entering into a contract with the County. This ambiguity has significant repercussions as to whether this requirement goes to a bidder's qualifications and responsiveness to the bid or is merely to a condition precedent to the contract.

Department of Labor registered apprenticeship programs have strict apprenticeship to journey person ratios. It is quite possible that the 10% minimum would actually violate these ratios, even if we were to read into the Intro a mechanism to group together a contractor's multiple apprenticeship programs. This Intro provides no mechanism for a waiver in such a case.

This Intro would on its face apply to many projects which may not have budgeted for the costs associated with its requirement and for which County funding only represents a fraction of the total project costs, such as the Erie Canal Harbor Project improvements currently on-going, the Frank Lloyd Wright Rowing Boat House, the Zoo Rainforest Exhibit and others.

This Intro applies to all contractors having a construction contract in excess of \$250,000, as well as all subcontractors of contractors having a construction contract in excess of \$250,000. Thus, if a subcontractor is hired to do a minimal amount of work (example: \$5,000) on a contract that exceeds \$250,000, the subcontractor will still have to comply with the provisions of this Intro.

In addition to the reasons set forth above for disapproving Local Law Intro. No. 3-2006, I reiterate below some of the reasons I stated for vetoing the similarly-drafted Local Law Intro. No. 1-2006.

The Local Law interferes with competitive bidding. The County benefits from having a large number of contractors bidding on each construction project. Multiple bidders create competition to ensure that the County receives high-quality workmanship at the lowest possible cost. By only allowing bids from contractors whose employees participate in worker training programs, a significant number of contractors will be prohibited from bidding on County projects. Several construction contractors who spoke at the public hearing that was held for Local Law Intro No. 1-2006 advised that should the Local Law Intro be enacted, they will no longer bid on County projects. Smaller contractors in particular will be hurt by the Local Law. Having fewer contractors bid on County projects inhibits competition and will result in less-competitive prices. The County simply cannot afford to pay a premium on every public works project.

The Local Law Intro creates favoritism. This Local Law Intro comes on the heels of a 2001 State law change which allows municipalities to make participation in apprenticeship training programs a condition of their construction contract bidding. Prior to this law, codified as §816-b, such a condition would have violated the competitive bidding requirement of General Municipal Law §103. I have been advised by County Attorney Laurence K. Rubin that the New York State Court of Appeals, in a recent decision, reaffirmed the strong public policy against municipal bid requirements that encourage favoritism and limit competitive bidding. Therefore, efforts to utilize the "exception" to competitive bidding permitted by Labor Law §816-b should be carefully drawn and narrowly construed. This Court of Appeals ruling also made it clear that in the event that a chief elected official's veto is overridden, a chief elected official is mandated by his constitutional oath of office to enforce such a local law if it violates General Municipal Law §103.

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The Local Law Intro does not provide for a waiver. Many speakers at the public hearing that was held for Local Law Intro 1-2006 suggested that relatively few contractors in Erie County have employees who participate in State approved worker training programs. Should these contractors refuse to bid on certain County projects, the County will face a dilemma of not having any eligible contractors being able to perform the work. Additionally, the Local Law Intro prohibits the County from accepting a bid from a non-participating contractor even if such bid is much lower than a participating contractor. Furthermore, the Local Law Intro does not allow for any exceptions to the 10% apprenticeship utilization requirement. The Local Law Intro should have had a waiver provision which allows the County to (1) accept bids from non-participating contractors if no participating contractors bid on the work; (2) accept bids from non-participating contractors which are considerably less than the bids from participating contractors; and (3) allow for a waiver if none of the bidders can meet the 10% apprenticeship utilization requirement.

For all of the above reasons, I hereby VETO Local Law Intro. No. 3-200.

Very truly yours,

JOEL A. GIAMBRA
 Erie County Executive

COUNTY OF ERIE
 LOCAL LAW INTRO NO. 3 - 2006
 LOCAL LAW NO. ____ - 2006

A LOCAL LAW in relation to a requirement for New York State Certified Worker Training Programs by contractors and subcontractors under construction contracts, as defined herein, with the County of Erie.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1. Legislative Intent.

The Erie County Legislature hereby finds, declares and determines that:

- A. New York Labor Law Section 816-b specifically authorizes this Local Law.
- B. There has been a long and productive history of partnership between labor and management in the training of workers in New York State.
- C. New York State Certified Worker Training Programs are valuable educational and training tools for the local workforce by reducing reliance on out-of-area labor for construction projects.
- D. New York State Certified Worker Training Programs provide opportunities to residents in this area through training and education for skilled jobs.
- E. These skilled jobs allow us to reinvest our taxpayer dollars spent on local construction projects so that local workers and local tax dollars remain within the local community.

F. It would be valuable to encourage labor and business/industry to participate in New York State Certified Worker Training Programs to meet the increased need for trade persons while providing residents the means to earn a better living and fostering the local and regional economies.

G. It is valuable for local government to encourage broad participation in such New York State Certified Worker Training Programs by the residents of Erie County and to foster the equal opportunity of men and women of all races and backgrounds to participate in order to enhance workforce development and diversification, and to prevent exclusionary practices which have historically excluded women and minorities.

H. The New York State Department of Labor sets objective standards and provides oversight for New York State Certified Worker Training Programs. These Programs are important because they require on-the-job training and classroom training, and provide objective industry standards. In effect these programs lead to a standardized, cost effective and skilled local workforce.

I. Nothing in this Local Law should be read to abrogate the duty of Erie County with respect to its MBE/WBE requirements.

Section 2. Short Title.

This Local Law shall be known as "The Erie County Workforce Development and Diversification New York State Certified Worker Training Program."

Section 3. Definitions.

A. "New York State Certified Worker Training Program" shall mean: a state registered and regulated apprenticeship program through the New York State Department of Labor that has been approved by the New York State Commissioner of Labor in accordance with Article 23 of the New York Labor Law, that includes the following standards:

(i) An organized, written plan in place that embodies the terms and conditions of employment, and the training and supervision of one or more workers;

(ii) A schedule of wages to be paid to the worker consistent with the skills required and approved by the New York State Department of Labor;

(iii) Equal opportunity and affirmative action plans;

(iv) Workforce development and diversification goals to ensure that the contractor will diligently work toward a minority workforce goal of 30% minority and female participation combined in project personnel including trades people, trainees, journeymen, apprentices, and supervisory staff; and

(v) A minimum of ten (10%) percent of the total construction workers, trades people, trainees, journeymen, and apprentices employed at any given time on a particular project by any and

all contractors or subcontractors must consist of persons participating in a New York State Certified Worker Training Program.

B. "Commissioner" shall mean the Commissioner of the Erie County Department of Public Works.

C. "Construction contract" shall mean projects with a value in excess of \$250,000 where Erie County is a direct or indirect party to the contract which includes more than an incidental amount of construction type activity intended to benefit the public, including all work which is necessary, incidental or connected with the execution of the contract which is performed by construction workers. A public entity need not be party to the construction contract. A construction contract includes: projects that Erie County funds directly, projects that Erie County funds indirectly by providing funds to a separate entity to perform the construction type activity; privately financed construction projects specifically built with the intent of leasing them to any Department of Erie County government; and construction projects built under Erie County's direction and later paid for with Erie County funds.

D. "Construction subcontract" shall mean any subcontract between a contractor who has a construction contract as defined in Section 3, subdivision C above.

E. "Contractor" or "subcontractor" shall mean a contractor or subcontractor that directly employs construction workers, as defined below, under a construction contract or construction subcontract, as defined herein, for which a New York State Certified Worker Training Program is required.

F. "Construction worker" shall mean an individual directly involved in the construction, reconstruction, improvement, rehabilitation, installation, alteration, renovation, demolition or otherwise providing for any building, facility, roads, highways, bridges, or physical structure of any kind, but does not include professional services employees or those construction workers for which a New York State Certified Worker Training Program does not exist.

Section 4. Requirements.

A. Any contractor, prior to entering into a construction contract as set forth in section 3 (C) above, or any subcontractor entering into a construction subcontract with a contractor who has a construction contract with the County of Erie is required to have in place and provide written proof of same at the time of bid a New York State Certified Worker Training Program, either internally to the contractor or subcontractor and/or through an organization servicing several contractors or subcontractors, appropriate for the type and scope of work to be performed.

B. Any contractor or subcontractor, as defined herein, shall strive to meet the minimum workforce development and diversification goals set forth in section 3(A) (iv) above. Such contractors and/or subcontractors shall provide the Commissioner or designated compliance officer with the following:

(i) A monthly workforce census and such other employment and/or payroll records necessary to verify an attempt to achieve the workforce development and diversification goals set forth in Section 3(A)(iv) above.

(ii) Access to and cooperation with the project compliance officer to review records on-site and/or at worksite premises to validate attempts to achieve the workforce development and diversification goals set forth in Section 3(A)(iv) above.

(iii) With bid submission, a statement committing to providing apprenticeship training opportunities to workers, as well as details of workforce diversification recruiting program directed at attracting candidates to fill positions to meet the minimum workforce development and diversification goals set forth in Section 3(A)(iv) above.

Section 5. Rules & Regulations.

As of the date this Local Law becomes effective, the Commissioner of the Erie County Department of Public Works shall promulgate such rules and regulations that are lawful, necessary and appropriate to implement, enforce or otherwise carry out the purposes of this Local Law, provided that the Legislature, by simple majority, has not voted to disapprove such rule or regulation within sixty (60) days from the Commissioner's written notice to the Legislature that such rule or regulation has been promulgated.

Section 6. Equal Employment Monitoring.

There shall be an Independent Monitor to report on the compliance of each County contractor and subcontractor with this Local Law's workforce development and diversification goals. The Commissioner of DPW shall develop regulations that provide for the compensation of the Independent Monitor.

The Monitor shall monitor and review every facet of construction to report what percentage of the goals that are established for minority and female participation are met or exceeded. The Monitor shall report to the Equal Employment Opportunity Office on the compliance of each contractor and subcontractor with the workforce development and diversification goals.

The Monitor shall file monthly reports with the Equal Employment Opportunity Office regarding the actual workforce development and diversification goals, including reporting all instances of non-compliance; make appropriate recommendations to the Equal Employment Opportunity Office when non-compliance is evident with supportive documentation; develop a database of the workforce of each contractor and subcontractor to provide a visual format of each contractor's workforce, both monthly and year-to-date cumulative totals on each construction contract.

Section 7. Compliance.

The Director of Erie County Division of Equal Employment shall ensure that all contractors and subcontractors entering into a construction contract as it is defined herein, maintain records which prove that each construction worker as it is defined herein, signs in and out at the beginning and end of each day, listing next to his or her name his or her craft, and status as journeyman or apprentice, if applicable.

Section 8. Penalties.

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Violation of any provision of this Local Law shall constitute cause, grounds or other legal justification for termination of any contractual agreement with any contractor or subcontractor engaged in a construction contract or construction subcontract with the County, in accordance with County and state laws, rules and regulations governing the termination of such contractual agreements.

Section 9. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 10. Applicability.

This Local Law shall apply to construction contracts advertised for bids on or after the effective date.

Section 11. Effective Dates.

This Local Law shall take effect 30 days after the filing with the Secretary of State, in accordance with Section 27 of the New York State Municipal Home Rule Law.

TIMOTHY M. KENNEDY

LYNN M. MARINELLI

MARIA R. WHYTE

DANIEL M. KOZUB

GEORGE A. HOLT

THOMAS A. LOUGHRAN

THOMAS J. MAZUR

MICHELE M. IANNELLO

ROBERT B. REYNOLDS, JR.

DEMONE A. SMITH

A Public Hearing was held on the foregoing Local Law Intro. No. 3-2006 on Thursday, May 25, 2006 at 10:00 a.m., due notice having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this 9th day of June, 2006.

JOEL GIAMBRA

FROM THE COMPTROLLER

Item 37 – (COMM. 12E-3) Vulcan Street Agreement

Received and filed.

Item 38 – (COMM. 12E-3) Certificate of Determination by the County Comptroller Relative to Authorization, Issuance From and Content, Sale and Award of a \$110 Million RAN - 2006A of the COE

Received, Filed and Printed.

**CERTIFICATE OF DETERMINATION BY THE COUNTY COMPTROLLER
 RELATIVE TO AUTHORIZATION, ISSUANCE, FROM AND CONTENT, SALE
 AND AWARD OF A \$110,000,000 REVENUE ANTICIPATION NOTE – 2006A
 OF THE COUNTY OF ERIE, NEW YORK**

I, Mark Poloncarz, Comptroller of the County of Erie, New York (herein called the “County”), HEREBY CERTIFY that pursuant to the powers and duties delegated to me, the chief fiscal officer of the County, by the County Legislature of the County, pursuant to the resolution duly adopted and as referred to in paragraph 1 hereof, which resolution is in full force and effect has not been modified, amended or revoked, and subject to the limitations prescribed in said resolution, I have made the following determinations:

(1) A revenue anticipation note of the County in the aggregate principal amount of \$110,000,000 shall be issued pursuant to Resolution No. 107-2006 entitled:

“RESOLUTION DELEGATING TO THE COUNTY COMPTROLLER THE POWERS TO AUTHORIZE THE ISSUANCE OF \$110,000,000 REVENUE ANTICIPATION NOTES OF THE COUNTY OF ERIE, NEW YORK, OR SO MUCH THEREOF AS MAY BE NECESSARY, IN ANTICIPATION OF THE RECEIPT OF CERTAIN REVENUES FOR THE FISCAL YEAR ENDING DECEMBER 31, 2006, AND TO PRESCRIBE THE TERMS, FORM AND CONTENTS, AND PROVIDE FOR THE SALE AND CREDIT ENHANCEMENTS OF SUCH NOTES.”

duly adopted by the County Legislature on April 6, 2006 and approved by the County Executive on April 20, 2006.

(2) In anticipation of the receipt of the County’s share of Revenues in the respective amounts as described in the attached Schedule A due and payable or due to the County in the fiscal year of the County ending December 31, 2006, I HEREBY AUTHORIZE the issuance of a \$110,000,000 revenue anticipation note (the “Note”) of the County pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”). With respect to each specific type of revenue, Schedule A attached hereto sets forth (a) the amount of such revenue recognized for fiscal year 2005, (b) the amount of such revenue estimated to be received for fiscal year 2006 as provided in the County’s budget, (c) the amount of such revenue actually received to date for fiscal year 2006, (d) the amount of revenue anticipation

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notes issued to date in anticipation of such revenue, (e) the amount of revenue anticipation notes which may be issued as of this dated in anticipation of the receipt of such revenue, calculated in accordance with the Law and (f) the amount of revenue anticipation notes comprising this issue which are being issued in anticipation of the receipt of each such revenue. The annual budget of the County for 200 has been adopted.

(3) Said Note is not issued in renewal of any prior issue notes.

(4) In no event shall the date of maturity of the Note herein authorized, or the renewals thereof, extend beyond the close of the applicable period provided in the Law for the maturity thereof.

(5) The Note shall contain the recital of validity prescribed by Section 52.00 of the Law and shall be a general obligation of the County and the faith and credit of the County are hereby pledged to the punctual payments of the principal of interest on the note and unless the Note is otherwise paid or payment thereof provided therefor, an amount sufficient for such payment thereof shall be levied and collected.

(6) The terms, form and details of said Note shall be as follows:

| | |
|--|---|
| Amount and Title: | \$110,000,000 Revenue Anticipation Note - 2006A |
| Dated: | June 13, 2006 |
| Mature: | June 13, 2007 |
| Number and Denomination Interest Rate Per Annum | No. 1, at \$110,000,000 3.89% |

The place of payment and interest shall be at the Office of the Erie County Comptroller, 95 Franklin Street, Buffalo, New York 14202, and the form of said Note shall be substantially in accordance with the form prescribed by Schedule B,2 of the Law, provided that the Note when issued will be registered in the name of Bank of America N.A.

(7) Pursuant to said powers and duties delegated to me, I DO HEREBY AWARD AND SELL said Note to Bank of America N.A. (the "Purchaser"), pursuant to the Note Purchase Agreement dated June 8, 2006 between Purchaser and the County for the purchase price of \$110,000,000 plus accrued interest, if any from the date of said Note to the date of delivery thereof, and I FURTHER DETERMINE that said Note shall bear interest at the rate of three and eight-nine hundredths per centum (3.89%) calculated on the basis of a 30-day month and a 360-day year, payable at maturity.

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(8) Said Note shall be executed in the name of the County by the County Comptroller and the corporate seal of the County shall be impressed or imprinted thereon.

(9) I HEREBY FURTHER CERTIFY that the powers and duties delegated to me to issue and sell the Note hereinabove referred to are in full force and effect and have not been modified, amended or revoked.

IN WITNESS WHEREOF, I have hereunto set my hand as the 13th day of June, 2006.

MARK POLONCARZ
COMPTROLLER

SCHEDULE A
COUNTY OF ERIE
DETERMINATION OF BORROWING ABILITY FOR REVENUE ANTICIPATION NOTE – 2006 A

| TYPE OF REVENUE | (a) AMOUNT RECOGNIZED IN FY 2005 | (b) BUDGET APPROVED FOR FY 2006 | (c) AMOUNT RECEIVED IN FY 2006 THROUGH 5/31/06 | (d) AMOUNT OF RANS ISSUED TO DATE | (e) MAXIMUM AMOUNT OF RANS THAT MAY BE ISSUED | (f) AMOUNT OF RANS BEING ISSUED |
|------------------------------|---|--|---|--|--|--|
| STATE SOCIAL SERVICES AID | \$120,492,742 | \$100,581,065 | \$15,280,031 | \$ - | \$85,301,034 | \$40,000,000 |
| FEDERAL SOCIAL SERVICES AID | \$127,543,550 | \$127,995,444 | \$44,638,150 | \$ - | \$82,905,400 | \$43,200,000 |
| SALES & COMPENSATING USE TAX | \$271,959,861 | \$355,254,231 | \$88,397,223 | | \$183,562,638 | \$26,800,000 |
| TOTAL | \$519,996,153 | \$583,830,740 | \$148,315,404 | | \$351,769,072 | \$110,000,000 |

FROM LEGISLATOR WEINSTEIN

Item 38 – (COMM. 12E-5) Copy of Letter to ECFSA Chairman Re: Home Nurse Visitation Program

Received and filed.

Item 39 – (COMM. 12E-6) Notice of Absence from June 1 and June 15, 2006 Human Services Committee and June 22, 2006 Session

Received, Filed and Printed.

June 12, 2006

Chairperson Lynn M. Marinelli
 Erie County Legislature
 92 Franklin Street
 Buffalo, New NY 14202

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Dear Ms. Marinelli:

I am unable to attend the Human Services Committee on June 1, 2006 and June 15, 2006 due to previous commitments as I indicated to you when I was assigned May 25, 2006.

Additionally I will be out of town and unable to attend the session of June 22, 2006. Legislator Ranzenhofer will act as Minority Leader.

Regards,

Barry A. Weinstein, M.D.
Erie County Legislator, 15th District

FROM THE COMPTROLLER

Item 40 – (COMM. 12E-7) Proposed "Capping" of Sales Taxes from Sale of Automotive Fuels

Received and filed.

FROM LEGISLATOR SMITH

Item 41 – (COMM. 12E-8) Letter to County Executive Re: Mid-Year Budget Hearings

Received and filed.

FROM THE COMPTROLLER

Item 42 – (COMM. 12E-9) Advising that the County is Scheduled to Close on a RAN During the Week of June 11, 2006

Received, Filed and Printed.

June 12, 2006

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Honorable Joel A. Giambra
Erie County Executive
95 Franklin Street, 16th Floor
Buffalo, New York 14202

Dear Honorable Members and Mr. Giambra:

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As required by Article XII, Section 1202 (I) of the Erie County Charter please be advised that during the week of June 11, 2006, the County is scheduled to close on a Revenue Anticipation Note sale transaction in the amount of \$110,000,000.

When the sale is completed, a schedule proficing pertinent information relative to the transaction will also be provided to you, as required by Section 1202(I) of the Erie County Charter.

Sincerely,

Mark C. Poloncarz, Esq.
 Erie County Comptroller

Item 43 – (COMM. 12E-10) Audited Financial Statements for ECC for the Fiscal Year Ended 8/31/05

Item 44 – (COMM. 12E-11) Vulcan Street Reconstruction Project

The above two items were received and filed.

FROM LEGISLATOR KONST

Item 45 – (COMM. 12E-12) Letter to Comptroller Re: DPW Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 46 – (COMM. 12E-13) Board of Elections Reso on HAVA Expenses

Item 47 – (COMM. 12E-14) Office of County Executive - Valmark Contract: Market-Based Revenue Opportunities Initiative

The above two items were received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 48 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded. MS. IANNELLO voted in the negative.

CARRIED (13-1)

RESOLUTION NO. 189

RE: CPS - Acceptance of the Pilot Project with NYS Wireless or Its Representatives and Erie County, to Initiate the Statewide Wireless Network (COMM. 12E-15)

WHEREAS, the County of Erie has been chosen as one of the Pilot Project counties to provide wireless communications for first responders to communicate with each other, and

WHEREAS, there is no cost of this pilot project to Erie County as it is a full partner with New York State, and

WHEREAS, the project will be initiated with the construction of a network and system operations center to support the public safety communication system, and

WHEREAS, New York State will be authorized to begin renovations and lease space in the new Erie County Public Safety Campus, with all associated expenses being paid by New York State or its representatives, and

WHEREAS, the pilot project of the Statewide Wireless Network will bring Erie County into the 21st century for public safety communications,

NOW, THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Department of Central Police Services, is hereby authorized to accept this Pilot Project with New York Statewide Wireless Network or its representatives, and be it further

RESOLVED, that the County Executive is authorized to execute a lease with New York State or its representatives for space in the new Public Safety Campus

RESOLVED, that any modifications necessary to support the lease will be completed at no cost to Erie County, and be it further

RESOLVED, that this will allow New York Statewide Wireless or its representatives, and Erie County to initiate construction for this new system, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Division of Budget, Management and Finance, the Office of the Comptroller, the Department of Law and the Department of Central Police Services.

Item 49 – (COMM. 12E-16) Institutional Energy Services Performance Contracting Program - Authorization to Enter into Financing Agreement

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 50 – (COMM. 12E-17) DPW - Acquisition of Property Right-of-Way - Reconstruction of Centerline Road Culvert (CR 175)

Item 51 – (COMM. 12E-18) DPW - Rath Building - 2006 - 14th Floor Renovations, Funding Revisions

Item 52 – (COMM. 12E-19) DPW - Roof Repair - Emergency Roofing Services - All County-Owned Buildings

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The above three itmes were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 53 – (COMM. 12E-20) Probation & CPS - Juvenile Accountability Block Grant Contract with the NYS Division of Criminal Justice

Item 54 – (COMM. 12E-21) CPS - Site License Agreements with the NYS Wireless Network

Item 55 – (COMM. 12E-22) CPS - Authorization to Enter into Memoranda of Understanding and Lease Agreements for Towers for the Simulcast Digital Alphanumeric Paging System

Item 56 – (COMM. 12E-23) CPS/Emergency Services - Revision to the Resolution for the Approval of Additions to Prequalified List of Professionals and Approval of Fee for Services Contracts for PSCIM, NIMS and ICS Course Instructors and Facilitators

Item 57 – (COMM. 12E-24) CPS - Emergency Response Training Center Grant - Transfer of Funds

Item 58 – (COMM. 12E-25) CPS - Acceptance of Communications Grant Funding of \$2 Million

Item 59 – (COMM. 12E-26) Conversion to Triennial Contracts for the STOP-DWI Office

Item 60 – (COMM. 12E-27) Probation & Youth Detention Services - Adjustment in Personnel Budget

The above eight items were received and referred to the PUBLIC SAFETY COMMITTEE.

Item 61 – (COMM. 12E-28) 2005 Real Estate Transfer Tax - Surplus Revenue - Road Repair Reserve Fund

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 62 – (COMM. 12E-29) ECSD No. 5 - Sisters of St. Joseph - 10336 Main Street - Property Transfer

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 63 – (COMM. 12E-30) Senior Services - Authorization to Establish the POMP Grant Budget and to Amend the CSE, EISEP and SPAP Budgets

Item 64 – (COMM. 12E-31) Senior Services - Authorization to Amend the Title VII, LTCOP and RSVP Grant Budgets

Item 65 – (COMM. 12E-32) Social Services - Contract for Nursing Services

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Item 66 – (COMM. 12E-33) Social Services - Employee Education and Training

The above four items were received and referred to the HUMAN SERVICES COMMITTEE.

Item 67 – (COMM. 12E-34) Health - Enhanced Drinking Water Protection Program - Grant Revision 127DRINWATER0405 and 127DRINWATER0607

Item 68 – (COMM. 12E-35) Request for Legislative Action to Increase the Erie County Dept. of Mental Health 2006 Appropriation by \$14,555

The above two items were received and referred to the HEALTH COMMITTEE.

Item 69 – (COMM. 12E-36) DPW - Convention Center - Roof Replacement

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 70 – (COMM. 12E-37) DPW - Establishment of a Construction Inspector Position to Fulfill a Grievance

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 71 – (COMM. 12E-38) Senior Services - Authorization to Revise the III-B, III-C-1, III-C-2 and III-E Grant Budgets

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 72 – (COMM. 12E-39) ECSD No. 3 - Village of Blasdell - Proposed Amended Agreement

Item 73 – (COMM. 12E-40) ECSD - Personnel Request

Item 74 – (COMM. 12E-41) Buffalo River Water Trail Project, Grant Authorization

The above three items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 75 – (COMM. 12E-42) Probation & Youth Detention Services - Purchase of Equipment

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 76 – (COMM. 12E-43) Botanical Gardens - Remedial Structure Repairs

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 77 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 190

RE: Sheriff's Office – Personnel Adjustment
 (COMM. 12E-44)

WHEREAS, the New York State Office of Court Administration has requested an increase of fifteen (15) Deputy Sheriff Officers; and

WHEREAS, the New York State Office of Court Administration will reimburse the County of Erie for the entire cost of these positions under the current contract between the parties; and

WHEREAS, it is necessary to increase the staff in the court buildings to ensure public safety.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office be authorized to create fifteen (15) Deputy Sheriff Officer, Job Group VIII positions; and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

REVENUE

| | <u>Increase</u> |
|--|------------------------|
| Business Area 116 – Jail Management Division | |
| Account 408530 – State Aid Criminal Justice Programs | \$ <u>550,500</u> |
| Total Revenue | \$ <u>550,500</u> |

APPROPRIATION

| | <u>Increase</u> |
|---|------------------------|
| Business Area 116 – Jail Management Division | |
| Account 500000 – Personal Services | \$ 364,120 |
| Account 500320 – Uniform Allowance | 11,250 |
| Account 500340 – Line-Up | 17,072 |
| Account 502000 – Fringe Benefits | 154,308 |
| Account 505200 – Clothing Supplies | 3,750 |
| Total Appropriation | \$ <u>550,500</u> |

And be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management and Finance, the Department of Personnel and the Office of the Sheriff for implementation.

Item 78 – (COMM. 12E-45) Jail Management Division - Staffing Requirements

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 79 – (COMM. 12D-1) Transmittal of New Claims Against Erie County

Received and Filed.

FROM THE COMMUNITY COLLEGE

Item 80 – (COMM. 12D-2) Notice of ECC Board of Trustees Meeting to be Held 6/28/06

Received and Filed.

FROM THE COUNTY ATTORNEY

Item 81 – (COMM. 12D-3) Resolution Requesting Authorization to Enter Lease With Omnipoint Communications, Inc. for Space on Cess Tower at ECC South Campus

Received and Filed.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 82 – (COMM. 12D-4) Report on Cost-Saving Initiatives

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COMMUNITY COLLEGE

Item 83 – (COMM. 12D-5) State Education Law Which Define the Impact of a Reduction in Local Sponsor Support to ECC

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 84 – (COMM. 12D-6) Periodic Review Report for the Middle States Commission on Higher Education

Item 85 – (COMM. 12D-7) ECC Budget Information

The above two items were received and filed.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 86 – (COMM. 12D-8) Proposed Agenda for 6/1/06 Board of Trustees Meeting

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Received and filed.

FROM ECMCC

Item 87 – (COMM. 12D-9) Combined Statement of Activities & Changes in Net Assets for the Periods Ended 5/31/06

Received and filed.

FROM THE BOARD OF ELECTIONS

Item 88 – (COMM. 12D-10) Request for a Supplemental Appropriation to the 2006 Budget

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM PUBLIC WORKS

Item 89 – (COMM. 12D-11) Storm Water Annual Report Year 3

Received and filed.

Item 90 – (COMM. 12D-12) Construction Contingency Chart

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:

FROM THE ERIE COUNTY WATER AUTHORITY

Item 91 – (COMM. 12M-1) Comprehensive Annual Financial Report for the Year Ended 12/31/05

Received and filed.

FROM THE TOWN OF AMHERST

Item 92 – (COMM. 12M-2) Certified Resolution Re: Removal of Toll Barriers

Received and filed.

FROM THE TOWN OF ELMA

Item 93 – (COMM. 12M-3) Certified Resolution Re: Opposition of Erie County Legislature's Four (4) Year Plan for Erie County

Received and filed.

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FROM THE ERIE COUNTY FISCAL STABILITY AUTHORITY

Item 94 – (COMM. 12M-4) Copy of Letter to County Attorney and Budget Director Re: County's Use of Leased Office Space

Received and filed.

FROM THE BUFFALO NIAGARA PARTNERSHIP

Item 95 – (COMM. 12M-5) Letter to Marinelli Re: County Borrowing

Received and filed..

FROM THE TOWN OF MARILLA

Item 96 – (COMM. 12M-6) Certified Resolution Re: Sales Tax Sharing

Received and filed.

FROM THE ERIE COUNTY ENVIRONMENT MANAGEMENT COUNCIL

Item 97 – (COMM. 12M-7) Notice & Agenda of Meeting for 6/20/06 Meeting

Received and filed.

FROM THE ERIE COUNTY FISCAL STABILITY AUTHORITY

Item 98 – (COMM. 12M-8) Copy of Three (3) Certified Resolutions

Received and filed.

FROM THE ERIE COUNTY WATER AUTHORITY

Item 99 – (COMM. 12M-9) Letter to Marinelli Re: Presentation to Energy & Environment Committee

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ASSEMBLYMAN TOKASZ & SENATOR VOLKER

Item 100 – (COMM. 12M-10) Notice That NYS Legislature Did Not Approve \$5 Fee on Certain Court Document Filings With the County Clerk's Office

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM NYS ASSEMBLYMAN SCHIMMINGER

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Item 101 – (COMM. 12M-11) Copy of Letter to NYS Division of Parole Chairman and Erie County Social Services Commissioner Re: State Parole Move to 460 Main Street

Received and filed.

FROM THE TOWN OF EDEN

Item 102 – (COMM. 12M-12) Certified Resolution Re: Opposition to Four Year Plan

Received and filed.

FROM THE TOWN OF BRANT

Item 103 – (COMM. 12M-13) Certified Resolution Re: Opposition to Four Year Plan

Received and filed.

FROM THE ERIE COUNTY CHARTER REVISION COMMISSION

Item 104 – (COMM. 12M-14) Final Recommendations

Received and left on the table.

MEMORIAL RESOLUTIONS

Item 105 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Tony Campbell.

Item 106 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of Deborah Lindsey Cobb.

Item 107 – Mr. Holt requested that when the Legislature adjourns, it do so in memory of Jack Crumpton.

Item 108 – Ms. Konst requested that when the Legislature adjourns, it do so in memory of Donald Lipman.

Item 109 – Mr. Kennedy requested that when the Legislature adjourns, it do so in memory of Laura Wolf.

Item 110 – Mr. Kozub requested that when the Legislature adjourns, it do so in memory of Margaret Davis.

Item 111 – Mr. Kozub requested that when the Legislature adjourns, it do so in memory of Eddie Wojtenik.

ADJOURNMENT

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Item 112 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. REYNOLDS moved that the Legislature adjourn until Thursday, July 13, 2006 at 2 p.m. Eastern Standard Time. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, June 13, 2006 at 2 p.m. Eastern Standard Time.

KEVIN M. KELLEY
CLERK